

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RICHARD HORTON,)	
)	Case No. 23-cv-3888
<i>Plaintiff,</i>)	
)	
v.)	Chief Judge Algenon L. Marbley
)	
CITY OF COLUMBUS, Columbus Division)	
of Police Officers BRENDA K. WALKER)	Magistrate Judge Elizabeth P. Deavers
(Badge #1176), MIEKO SIAS as personal)	
representative of the ESTATE OF SAM SIAS)	
(Badge #1871), and AS-YET UNKNOWN)	JURY TRIAL DEMANDED
COLUMBUS POLICE OFFICERS,)	
)	
<i>Defendants.</i>)	

MEMORANDUM IN SUPPORT OF MOTION FOR EXTENSION TO SERVE

Plaintiff, RICHARD HORTON, by and through his undersigned attorneys, respectfully moves for an extension of time to serve Mieko Sias as the personal representative of the Estate of Sam Sias, stating as follows:

1. Plaintiff filed this action on November 20, 2023 against Defendants City of Columbus (“City”), Brenda Walker, Sam Sias, and as-yet unknown Columbus Police Officers alleging violations of his constitutional rights during his wrongful arrest and prosecution for a 2004 robbery. Dkt. 1.
2. During the course of serving Defendants, Plaintiff learned that Defendant Sias was deceased. As such, Plaintiff moved for entry of an Amended Complaint substituting in the personal representative of Mr. Sias’s estate, Mieko Sias, to defend this action. Dkt. 15.
3. On March 7, 2024, Plaintiff’s Amended Complaint was entered in this case. Dkt. 17.

4. On March 27, 2024, Plaintiff contacted counsel for Defendants City and Walker to inquire as to whether they would be representing Mrs. Sias, and if they were amenable to waiving service pursuant to Fed. R. Civ. P. 4(d).

5. On April 2, 2024, counsel for Defendants City and Walker responded notifying Plaintiff that Mr. Sias's estate was closed.

6. Upon learning that Mr. Sias's estate was closed, Plaintiff immediately began the process of having Mr. Sias's estate reopened and his administrator reappointed for the purpose of defending this action. That process is ongoing.

7. This Court in its discretion may extend the time for perfecting service under Fed. R Civ. P. 4(m) when a party demonstrates good cause for the delay in service. Fed. R. Civ. P. 4(m); *United States v. Oakland Physicians Med. Ctr., LLC*, 44 F.4th 565, 568 (6th Cir. 2022).

8. Good cause exists here for such an extension. As discussed above, Plaintiff's counsel is working diligently to reopen Mr. Sias's estate and is taking all appropriate measures so that process can be effectuated upon the representative of Mr. Sias's estate in an expedited manner.

9. Prior to filing this motion, and pursuant to Local Rule 7.3(a), Plaintiff's counsel conferred with Defendants on their stance for the requested relief. Defendants do not oppose Plaintiff's Motion for Extension to Serve.

10. This motion is not made in bad faith or for the purpose of delay, and it will not unduly prejudice any of the parties.

WHEREFORE Plaintiff respectfully requests this Honorable Court grant his Motion for Extension to Serve and extend the time for service of Mieko Sias, as the personal representative of the Estate of Sam Sias, by 60 days pursuant to Federal Rule of Civil Procedure 4(m), until and including August 5, 2024, along with any other relief this Court deems just.

Respectfully submitted,

RICHARD HORTON

/s/ Michele Berry
One of Plaintiff's Attorneys

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CERTIFICATE OF SERVICE

I, Alyssa Martinez, an attorney, certify that a copy of the foregoing was filed electronically on June 6, 2024 by using the Court's CM/ECF System, and that notice of this filing was sent that same day to the other parties to this case by operation of the Court's CM/ECF System.

/s/ Alyssa Martinez
One of Plaintiff's Attorneys